

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

2822 W. Howard Avenue, Apartment 4, Milwaukee,
Wisconsin 53221. See Attachment A.

Case No. 17-916 m (ND)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

2822 W. Howard Avenue, Apartment 4, Milwaukee, Wisconsin 53221. See Attachment A.

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B.

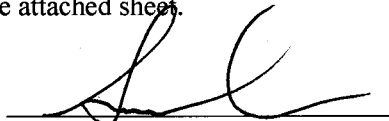
The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 18: 922(g): Felon in Possession of a Firearm

The application is based on these facts: See attached affidavit.

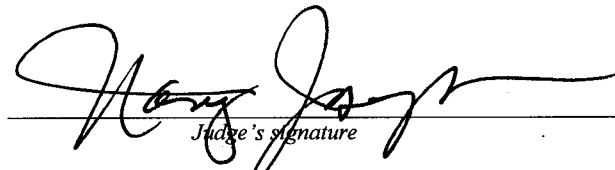
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Special Agent Sean Carlson, ATF
Printed Name and Title

Sworn to before me and signed in my presence:

Date: July 20, 2017


Judge's signature

City and State: Milwaukee, Wisconsin

Nancy Joseph, U.S. Magistrate Judge
Printed Name and Title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR SEARCH WARRANT**

I, Special Agent Sean Carlson, being first duly sworn, hereby depose and states as follows:

1. The Affiant is a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been so employed since November of 2015, and am currently assigned to the Milwaukee Field Office. Prior to my employment at ATF, I was a Patrol Officer at the Hammond Police Department in Hammond, Indiana for over four (4) years. The following is a partial summary of the information developed as a result of an investigation by myself and other law enforcement officers.
2. This affidavit is in support of an application seeking a search warrant for the premises located at 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221, located in the Eastern District of Wisconsin for evidence of a possible violation of Title 18, United States Code, section 922(g)(1), felon in possession of a firearm.
3. On Sunday May 14, 2017, Milwaukee police officers assigned to the bicycle unit, conducted a vehicle-related field interview for an occupied vehicle with suspected illegal window tint at 2908 W. Villard Avenue, Milwaukee, Wisconsin. The vehicle is further described as a blue Volkswagen Passat, bearing Wisconsin Temporary License plate number T5212Z. As officers approached the driver's side door of the running vehicle, the driver, later identified as Ennis L. HOWARD (b/m, DOB 01/05/1996), shifted the vehicle into gear, revved the engine, and attempted to drive away. The vehicle moved forward several feet before the engine stalled out. Officers opened the driver's side door and attempted to remove HOWARD and take him into custody. HOWARD fought with officers in an attempt to flee arrest. As officers were attempting to gain compliance, they observed a loaded pistol magazine fall from HOWARD's pants pocket to the ground. When the magazine struck the ground, officers observed several rounds of ammunition scatter on the ground. After the officers placed HOWARD under arrest, they conducted a search of the vehicle and located a plastic baggie, which contained .68 grams of a tan rock-like substance. The substance later field-tested positive for heroin.
4. The pistol magazine is further described as a .380 caliber magazine containing eight (8) aluminum Federal .380 caliber hollow point rounds.
5. During the booking process for HOWARD, MPD officers inventoried the personal effects of HOWARD and secured them to be held until the time that HOWARD is released. Among his personal effects placed into MPD property, was a silver Apple iPhone 6.
6. On May 25, 2017 this case was referred to ATF for possible federal prosecution. Your Affiant conducted an NCIC criminal history check on HOWARD, which indicates he is

prohibited from possessing a firearm or ammunition based on a felony conviction for possession with the intent to distribute THC (Milwaukee County Case No. 2014CF004675).

7. On June 1, 2017, your Affiant obtained a search warrant for the aforementioned Apple iPhone 6 belonging to HOWARD. On June 2, 2017, your Affiant retrieved the aforementioned device from the Milwaukee County Jail, and on the same date, ATF SA Undre Ludington performed the forensic data extraction.
8. On June 07, 2017, your Affiant conducted analysis on forensic data extracted from an Apple iPhone 6 (IMEI no. 356955064705135, serial no. F78NT3J1G5MR) located in the possession of HOWARD during his May 14, 2017 arrest (MPD case no. 171340133).
9. Analysis of the phone's email messages sent from the email address ennishoward38@gmail.com, revealed eleven (11) messages negotiating the purchase prices of several different models of firearms. The emails were between HOWARD and sellers on an online firearm brokerage site, Armslist.com, taking place between March 16, 2017 and March 19, 2017. The models of firearm specifically mentioned in the emails were a "Cerakoted & stippled Glock 27 .40," a "Hi-Point 995 Carbine CAMO 9 mm," a "Zastava M70A 9mm Pistol," and a "Glock 22 (.40 cal)." Cerakote and Stippling are describing the finishing options of the firearm. Stippling is considered an upgrade, and it assists in gripping the firearm. On March 16, 2017, HOWARD sent an email with the subject "Gun" to an armslist.com seller stating, "What about 280 I'm coming from Milwaukee area." This sentence establishes the purchase price of \$280 for the firearm.
10. Analysis of the phone's web history revealed approximately fifty-one (51) visits to webpages for topics related to firearms taking place between April 6, 2017 and May 5, 2017. This included approximately fourteen (14) visits to webpages containing information about Hi-Point branded firearms. Of those fourteen (14) visits, approximately two (2) were ebay searches for the term "Hi-Point Gun Ammunition Magazines."
11. Analysis of photos contained on the phone revealed several photos, and their accompanying metadata, of note:
 - a. A photo of the Wisconsin Identification card (ID no. H630-2129-6005-05) of Ennis HOWARD taken on March 23, 2017.
 - b. A photo of the driver's license and social security card (SSN no. 391-15-1270) of Ennis HOWARD taken on March 23, 2017.
 - c. A photo of a Hi-Point Model CF380, .380 caliber pistol taken on April 19, 2017.

- d. A photo of an unidentified black male sitting at a computer desk with what appears to be the aforementioned Hi-Point Model CF380 sitting on the desk, taken on April 21, 2017.
 - e. A photo of the title to a 1999 Volkswagen Passat GLS (VIN no. WVWMD63B1XE389489) received in an iMessage on April 21, 2017. HOWARD was arrested on May 14, 2017 driving the vehicle that corresponds to this title. MPD arrest paperwork verifies that the VIN numbers match.
 - f. A photo of HOWARD holding a large amount of US currency taken on April 29, 2017.
 - g. A photo of a blue Volkswagen (the same make and model as the vehicle he was arrested in on May 14, 2017) sedan taken on May 4, 2017.
12. HOWARD was driving a blue Volkswagen Passat 4 door sedan, and possessed a loaded .380 caliber pistol magazine when arrested on May 14, 2017.
13. Analysis of the phone revealed two (2) videos, recorded April 21, 2017 (file names img_0831.mov and img_0832.mov), showing HOWARD standing and an unidentified black male sitting at a desk in small room. Sitting on the desk is what appears to be a firearm, the same as the aforementioned Hi-Point CF380, .380 caliber pistol. The unidentified male is the same as the male previously mentioned in paragraph 11d. Both the photo and the video appear to have been taken at the same time.
14. Analysis of the SMS messages (commonly referred to as text messages) of the phone revealed several conversations relating to the sale of drugs, and the possession and sale of firearms. The following are summaries of the conversations.
- a. On April 2, 2017, 414-242-1465 (in phone contacts as Erk) texted HOWARD asking "U got perk". "Perk" is commonly used to refer to the drug Percocet.
 - b. On April 3, 2017, HOWARD texted 414-304-9589 (in phone contacts as Vanesha Act) and stated "3 for 20." This verbiage is common for someone texting a potential customer they are selling three units of something for \$20.
 - c. On April 4, 2017, HOWARD texted 414-750-1076 (in phone contacts as Sherry) and stated "Stuff wasn't bad but count sucks barely what a sample would be not a dime of each." Sherry responded, "Ima do better for u next time." This conversation is HOWARD texting Sherry to complain the weight of the drugs purchased was less than the agreed upon quantity. Sherry's response is they will do better next time.

- d. On April 7, 2017, 414-892-0613 (in phone contacts as Jen Sis) messaged HOWARD "who got banger." The term "banger" is commonly used as slang for a firearm. Jen Sis stated they were tired of people in their life and looking to "fuck shit up" and "go to jail."
- e. On April 8, 2017, Jen Sis texted HOWARD stating "You who trying buy stamps." HOWARD responded "How many." Jen Sis stated "150" then later changed it to "75." HOWARD then texted Jen Sis that he was on the North Side. It is common for those who sell illegal street drugs to use a code word to refer to the item they are selling (i.e. 'stamps')
- f. On April 14, 2017, HOWARD had a conversation with 414-252-3216 (in phone contacts as Aj), where Aj asked HOWARD for a "dime bag," to which HOWARD responded "Yea u go u unk." Aj responded "I will see my n***A when you get here always 100." This is a conversation negotiating a dime bag quantity of something, for \$100.
- g. On April 22, 2017, HOWARD texted 414-252-3216 (in phone contacts as Jack) and stated "Get a 20 ready." Jack responded "Ready." This exchange could be either a purchase or sale of drugs. '20' refers to the amount of money to be exchanged.
- h. On April 29, 2017, HOWARD received a text from 414-400-1846 (in phone contacts as Osay) stating "A call me when u outside. We at 40 when u do that 20 fa me." Later on April 29, 2017, Osay texted HOWARD stating "We at 75," then texted HOWARD "Folks u wanna make another play." Osay later said "We gonna b at 200." This exchange seems to be with a partner listed in HOWARD's phone as Osay. Osay and HOWARD appear to be talking about how much money they have made for the day, and Osay asks HOWARD if he can make another sale.
- i. On April 30, 2017, Osay texted howard saying "We at 200 fooly," then later sent "No 300." Osay also asked "Can u make one moe play. We at 300." Osay refers to HOWARD as "big bro" in one text message. In this exchange, Osay and HOWARD are discussing the amount of money they have made that day, and Osay is asking HOWARD to make one more delivery for the day.
- j. On April 30, 2017, 414-459-1080 texted HOWARD, "Its Ashley I just got out of jail can u plz stop by asap w a dub of boy plz I'm. Really sick." Howard replied "ok" and "it coming." HOWARD later texted "we have to talk," and 414-459-1080 responded

"2000\$ right? \$o will talk after he miss off thanks again." HOWARD responded, "Foreal Ashley we can make big money." The term "boy" commonly refers to heroin.

- k. On May 1, 2017, 414-459-1080 texted HOWARD, "hey can u stop by I got twenty for a dub of boy and when husband gets back from tow lot ill have the money I owe u from yesterday." After HOWARD asks them if they really have the money and if they are playing him. 414-459-1080 responds "I promise I am not and I have the twenty for a dub of boy right now can u come thru??" This exchange is discussing the sale of "boy" or heroin. This person is also saying they have money owed to HOWARD for a purchase the day before.
 - l. On May 4, 2017, 414-639-0477 (in phone contacts as Kristy) texted HOWARD, "Milw cops were just here my car was leaving the scene of shots fired. What the fuck are u doing." Kristy later texted "Home the west allis cops just left. You know if I don't get my car back I am going to have to give them your information." This exchange may mean that HOWARD both possessed and used a firearm.
 - m. On May 6, 2017, Kristy texted HOWARD "Can I get a 10," and HOWARD replied "Okay." This exchange is from a customer identified only as Kristy, asking HOWARD for \$10 worth of an unspecified drug.
 - n. On May 6, 2017, 414-552-6531 (in phone contacts as Liz) texted HOWARD, "40 boy 20girl." This exchange is HOWARD texting a person identified only as Liz stating he is charging \$40 dollars for boy and \$20 for girl. The term "girl" is commonly used to refer to cocaine.
 - o. On May 9, 2017, HOWARD texted 414-630-2443 (in phone contacts as Choya), "I do I almost went to jail yesterday." HOWARD later explained "High speed I fucked my coupe up." HOWARD further explained, "Yes they had me blocked in," and "Detective and a regular police." HOWARD explained his vehicle was damaged in the escape, stating, "My passenger side fucked up." Choya asked how he crashed, and stated he was slipping. HOWARD responded, "I didn't crash I was in the alley no where to go I had to get past them." Choya responded, "You just got that car." Finally, HOWARD stated, "They came from both ways in the alley," and "The police they tried to box me in."
15. A search of Wisconsin Department of Motor Vehicles records reveals that HOWARD's residence is 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221. Additionally, MPD listed the same address on arrest paperwork for HOWARD's May 14, 2017 arrest.

16. On July 13, 2017, your Affiant spoke with Mark Friedrich, HOWARD's parole officer, who stated HOWARD listed 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221 as his residence. Friedrich explained that HOWARD had absconded from his parole requirements, and because of that, he had an outstanding warrant at the time he was stopped by MPD on May 14, 2017. Friedrich also stated he interviewed HOWARD after his arrest on May 14, 2017, and HOWARD told him he lived with his brother at this address during the duration of the time he was absconding from his parole requirements. Friedrich further explained that HOWARD stated police responded to the address several times to attempt to locate him to execute that arrest warrant, but he was able to elude them.
17. On July 17, 2017, ATF Intelligence Research Specialist (IRS) James West, analyzed and plotted historical cell tower data, for the phone belonging to HOWARD. IRS West utilized the program Cell Hawk to identify the cellular site most commonly utilized by this phone. HOWARD's residence of 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221, was within the coverage area of that cellular tower identified in this analysis. Further analysis showed that at the time that both the photograph of the firearm referred to in paragraph 11d of this affidavit, and the video of the firearm referred to in paragraph 13 of this affidavit were taken, the subject cell phone was within the coverage area of that cellular tower near to HOWARD's residence.
18. HOWARD has been in law enforcement custody since his arrest on May 14, 2017, and thus he has not had an opportunity to remove potential evidence from 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221.
19. Your Affiant knows through training and experience that those engaged in the illegal purchase and sale of illegal narcotics often carry firearms for personal protection. Your Affiant further asserts it is uncommon for a subject to have a loaded magazine without also having the accompanying firearm among his possessions.
20. Based upon my training, experience and participation in investigations of firearm violations, I know that firearms are not easily disposed of, and that an individual will frequently possess firearms for many months or years before selling or otherwise dispose of them.
21. Based upon the above information, and my training and experience, I believe that firearms, ammunition, and indicia of control over the premises are being stored at the premises located at 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221, in the Eastern District of Wisconsin.

ATTACHMENT A

LOCATION TO BE SEARCHED/DESCRIPTION OF THE PREMISES

The location to be searched is as follows:

- a. 2822 W. Howard Avenue, apartment 4, Milwaukee, Wisconsin 53221, Milwaukee County, and Eastern District of Wisconsin, more particularly described as a brick two (2) story apartment building with approximately four (4) units per building;
- b. Any locked container (ie. safes) located on the property.

ATTACHMENT B

Evidence to be seized includes the following items in any form (written, printed, or electronic):

1. Firearms, including pistols, revolvers, shotguns and/or rifles;
2. Ammunition;
3. Firearm accessories, including but not limited to firearm cases, firearm related manuals and instructions;
4. Firearm magazines;
5. Records, notes, notebooks, correspondences, communication, travel records, mailings, photographs, letters, facsimiles, emails, documents and other items used for the acquisition or purchase of firearm(s); the sale or other disposition of firearms; the payment of firearms; or the shipment of firearms;
6. Cellular telephones;
7. All indicia of occupancy, residency or ownership of the premises and things described in the warrant, including identification documents, utility bills, telephone bills, loan payment receipts, Rent receipts, trust deeds, lease or rental agreements, addressed envelopes, escrow documents, and keys.